



**National Crime Prevention and Privacy Compact
Compact Council Meeting
Atlanta, Georgia
November 5-6, 2014**

FINAL MINUTES

Ms. Dawn A. Peck, Chairman, National Crime Prevention and Privacy Compact Council (Council), called the Council meeting to order at 9:00 a.m. on November 5, 2014, in Atlanta, Georgia.

Ms. Melody K. Ferrell, Compact Team, temporarily acting for FBI Compact Officer Mr. Gary S. Barron, conducted roll call of the Council members. The following Council members, or their proxies, were in attendance.

State Compact Officers:

- Ms. Wendy L. Brinkley, North Carolina State Bureau of Investigation
 - Mr. Jeffrey R. Kellett, New Hampshire State Police
 - Ms. Julie A. Lackner, Minnesota Department of Public Safety
 - Major Timothy P. McGrail, Missouri State Highway Patrol
 - Ms. Liane M. Moriyama, Hawaii Criminal Justice Data Center
 - Ms. Dawn A. Peck, Idaho State Police
 - Mr. Matthew R. Ruel, Maine State Bureau of Identification
 - Ms. Carole Shelton, Maryland Department of Public Safety and Correctional Services
- Proxy for Mr. Jeffrey R. Kellett on 11/05-06/2015**
- Ms. Donna M. Uzzell, Florida Department of Law Enforcement

State/Local Noncriminal Justice Agency Representative:

- Vacant

State/Local Criminal Justice Agency Representative:

- Captain Thomas W. Turner, Virginia State Police

Federal Noncriminal Justice Agency Representative:

- Mr. Merton W. Miller, Office of Personnel Management
 - Mr. William Marosy, Office of Personnel Management
- Proxy for Mr. Merton W. Miller on 11/05/2014 (Partial Day)**

Federal Criminal Justice Agency Representative:

- Mr. Dennis Ulrich, Department of Homeland Security
Proxy for Mr. Jason A. Henry

Advisory Policy Board Representative:

- Mr. Michael C. Lesko, Texas Department of Public Safety

Federal Bureau of Investigation:

- Mr. Stephen L. Morris, FBI Criminal Justice Information Services Division

Other meeting attendees introduced themselves and the agencies they represented.

(Attachment 1)

Chairman Peck invited Mr. Stephen L. Morris, FBI Criminal Justice Information Services (CJIS) Division Assistant Director (AD), to introduce Special Agent in Charge (SAC) of the Atlanta Field Office, Mr. Britt Johnson. SAC Johnson welcomed the Council to Atlanta, Georgia, and spoke regarding the Atlanta Field Office's positive relationship with state and local law enforcement. SAC Johnson also addressed information sharing efforts relating to active shooters and insider threats that the Atlanta Field Office is embarking on with private industry.

Mr. Morris then introduced Ms. Amy S. Hess, FBI Science and Technology Branch Executive Assistant Director. Ms. Hess thanked the Council members for their work to protect the safety of our nation's vulnerable populations and congratulated them on the Council's numerous recent accomplishments.

In her opening comments, Chairman Peck recognized the recent Attorney General (AG) appointed Council members. With terms expiring on September 30, 2016, the new members include: Ms. Liane M. Moriyama, Hawaii Criminal Justice Data Center; Mr. Matthew R. Ruel, Maine State Bureau of Identification; Ms. Julie A. Lackner, Minnesota Department of Public Safety; and Dr. Natalie A. Chrastil, Wyoming Division of Criminal Investigation. The new Council members with terms expiring on September 30, 2017, include: Mr. Merton W. Miller, Office of Personnel Management, as the Federal Noncriminal Justice Agency representative; Mr. Michael C. Lesko, Texas Department of Public Safety, as the CJIS Advisory Policy Board (APB) Representative; and Mr. Stephen L. Morris as the FBI representative. Chairman Peck also advised that Ms. Wendy L. Brinkley, North Carolina State Bureau of Investigation, will fill the position on the Council left vacant due to the retirement of Ms. Terry Gibbons in August 2014. In addition, Chairman Peck recognized new State Compact Officers (SCOs) – Ms. Terri Fisher, Georgia Bureau of Investigation, and Mr. Adam DeCamp, Iowa Department of Public Safety.

Chairman Peck expressed her appreciation to proxies that were in attendance. The proxies included: Mr. Bryan Rizzi, Oklahoma State Bureau of Investigation; Mr. Chris Schaefer, Colorado Bureau of Investigation; Ms. Katelyn Schaub, Montana Department of Justice; and Mr. Dennis Ulrich, Department of Homeland Security.

Next, Chairman Peck expressed her appreciation for the guest speakers' participation in the meeting. She acknowledged Ms. Devon Adams of the Bureau of Justice Statistics (BJS); Mr. Scott M. Came, The National Consortium for Justice Information and Statistics (SEARCH); Mr. Nathan Tsoi of the Transportation Security Administration (TSA); Mr. Martin Kennedy of the Centers for Medicare and Medicaid Services (CMS); and Ms. Delilah Barton of CNA.

Chairman Peck reported that two topics were provided as information only and were included in the meeting registration packets; however, they will not be presented at the meeting. These topics include the National Fingerprint File (NFF) Quarterly Statistics and the Integrated Automated Fingerprint Identification System (IAFIS) Status report.

Next, Chairman Peck advised that anyone wishing to submit a topic to be addressed by the Council should submit a topic paper suggestion form to the FBI Compact Officer, Mr. Gary S. Barron. She noted that a copy of the topic suggestion form could be obtained on the Council's public website, and announced that the deadline for topic paper requests for the spring Committee meetings is December 3, 2014. In addition, Chairman Peck noted that the Standards and Policy (S&P) Committee and the Planning and Outreach (P&O) Committee meetings are tentatively scheduled for March 18-19, 2015, with the location to be determined.

The Council then finalized the draft minutes from the May 2014 meeting, approving them with no changes.

Compact Council Action: Captain Thomas W. Turner moved to approve the May 2014 minutes. Seconded by Mr. Merton W. Miller. Motion carried.

Agenda topics were then discussed.

Topic #1 Council Chairman's Report

Council Chairman Ms. Dawn A. Peck provided a Council update. She shared her continued commitment to the themes of leadership and partnership. She expressed a desire for the Council to include end users, vendors, and strategic partners in its discussions to ensure that all relevant parties are afforded a chance to have their voices heard. Chairman Peck reinforced her desire for the Council to continue its important role

in leading the way to the future for the noncriminal justice use of criminal history record information (CHRI), noting that the changes associated with implementation of the Next Generation Identification (NGI) Increment 4 represent such an opportunity.

She announced that since the May 2014 Council meeting, some changes had been made to the Committees' membership. New S&P Committee members included Dr. Natalie A. Chrastil of the Wyoming Division of Criminal Investigation, Ms. Rickeya Franklin of the Ohio Bureau of Criminal Investigation, Mr. Charles Schaeffer of the Florida Department of Law Enforcement, and Mr. Joseph Morrissey of the New York State Division of Criminal Justice Services. She announced that Mr. Jason A. Henry of the Department of Homeland Security will also be joining the P&O Committee in March 2015. Chairman Peck announced Dr. Natalie A. Chrastil as the new P&O Committee Chair, and Ms. Deborah S. McKinney of the Oklahoma State Bureau of Investigation as the Vice Chair. New P&O Committee members included Mr. Wyatt Pettengill of the North Carolina State Bureau of Investigation, Captain Larry W. Plunkett, Jr., of the Missouri State Highway Patrol, and Mr. Matthew R. Ruel of the Maine State Bureau of Identification. Mr. Jason A. Henry will also be joining the S&P Committee in March 2015.

Chairman Peck announced that the Local/State Noncriminal Justice Agency Representative position on the Council left vacant by Mr. David W. LeNoir's movement to the Georgia Bureau of Investigation will be filled, pending Attorney General (AG) approval, by Ms. Becky Fleming-Siebenaler of the Montana Department of Public Health and Human Services.

She noted that the CJIS APB made a motion to amend its bylaws to include a Council representative in the APB membership. She announced that Major Timothy P. McGrail, Council Vice Chair, was appointed to fulfill that role and would participate in his first APB meeting in December 2014.

Next, she spoke regarding Council activities since the last meeting. Chairman Peck stated that she, Vice Chair McGrail, Hawaii SCO Moriyama, and Wyoming SCO Chrastil participated in the Maximizing Criminal Justice Data Access study meeting in August 2014, which was a good experience that allowed the Council representatives to engage with others present. Chairman Peck also spoke about her visit, with Vice Chair McGrail, to the FBI CJIS Division in October 2014. During the visit, they spent time with the Compact Team, discussing the in-depth processes involved with administering the outsourcing of noncriminal justice administrative functions, the NFF Program, legislative reviews, and the work associated with supporting the Council meeting process. The CJIS Division visit also included opportunities to meet with CJIS AD Morris, the Fee Programs Unit, and the CJIS Training and Advisory Process Unit's Advisory Processes Management Team.

To conclude her presentation, Chairman Peck gave a brief overview of the Council meeting agenda.

Compact Council Action: This topic was accepted for information only.

Topic #2 FBI's Criminal Justice Information Services Division Update

Mr. Stephen L. Morris, FBI CJIS Division AD, provided an overview of the CJIS Division's current initiatives. He introduced himself to the Council members and guests and congratulated the Council on its valuable work over the last 15 years.

Next, he provided updates on various projects and information sharing programs at the CJIS Division. He announced that on September 7, 2014, the NGI Increment 4 was deployed, replacing the legacy IAFIS. He noted that CJIS Division staff continued to work to provide support to the states throughout the transition to Increment 4, and briefly noted the new functionalities available with Increment 4. AD Morris explained that the results of the latest User Fee Study were published in the *Federal Register* on October 27, 2014, with rate changes going into effect on February 1, 2015. He announced that the National Crime Information Center (NCIC) is due for a technology overhaul, and that teams would be canvassing states in an effort to ensure process improvements as a result of the NCIC Third Generation (N3G) effort. AD Morris announced hopes to implement the first increment of the CJIS Information Broker effort in spring 2015; this effort would house a library of NCIC extracts online, eliminating the need for agencies to routinely pull extracts out of the NCIC. He noted that the Law Enforcement National Data Exchange (N-DEx) contained approximately 220 million records in early October 2014 and continues to grow. AD Morris noted that a new effort known as iLEEP will be made available through the Law Enforcement Enterprise Portal, which will provide a portal for private industry to use securely in working with law enforcement agencies. He announced that in 2014, data regarding human trafficking will be published in the Uniform Crime Reporting (UCR) annual reports and that in 2015, hate crime data will be collected in the UCR with animal cruelty data to follow in 2016. AD Morris noted that efforts to modernize the National Instant Criminal Background Check System (NICS) are underway, and highlighted a significant increase in the use of the E-check process to access the NICS as a success in 2014. He also noted the success of the Public Access Line service housed at the CJIS Division and utilized by the FBI Field Offices as a central call center for handling complaints.

AD Morris noted that disposition efforts are a priority for the CJIS Division and work will continue to bring improvements to disposition reporting. He also briefly addressed progress on the development of the Biometric Technology Center. Lastly, AD Morris spoke regarding the partnership between the CJIS APB and the Council and congratulated both groups on their many accomplishments.

The Council requested an update on the CJIS Division's position on fees for enrolling legacy fingerprints in the Rap Back Service. Mr. Morris stated that internal discussions continued regarding this issue and he hoped to have answers in the near future.

Compact Council Action: This topic was accepted for information only.

(Attachment 2)

Topic #3 Advisory Policy Board (APB) Update

Captain Thomas W. Turner presented the APB update and provided an overview of items supported by the APB at its June 2014 meeting, as they relate to the Council. Included in the recommendations from the June 2014 meeting was a motion to provide the Department of Defense with the NCIC Foreign Fugitive File, Identity Theft File, Immigration Violator File, Protection Order File, and Violent Person File records every 24 hours for status verification of trusted individuals. Additional motions included a new definition for cruelty to animals; harmonization of CJIS systems; CJIS Division exploration of utilizing the UCR Crime Codes to distinguish between a general Facial Recognition search and a search that would permit a subsequent Unsolved Photo File deposit; and adding an exception for individuals acting in a law enforcement capacity at the request of a law enforcement agency whose officers meet the Law Enforcement Officers Killed and Assaulted criteria. The APB also moved to recommend the CJIS Division perform the necessary research to determine the feasibility of transforming certain non-biometric Rap Back Electronic Biometric Transmission Specification transactions and responses to Interstate Identification Index (III) messaging format. Lastly, the APB moved to approve adding a representative from the Compact Council to the APB's membership.

In closing, Captain Turner noted several topics to be addressed during the December 2014 APB meeting. Topics included use of NCIC data for access to critical infrastructure facilities, numerous CJIS Security Policy topics including revisions to Appendix J and FBI CJIS Information Security Officer latitude for administrative changes, defining a cyberspace location code in the National Incident-Based Reporting System, and reporting domestic violence in the FBI UCR Program. Captain Turner announced that the fall 2014 APB meeting will be held December 3-4, 2014, in Jacksonville, Florida. The Working Group meetings are scheduled for March 10-12, 2015. The Subcommittees will meet April 21-23, 2015. The spring 2015 APB meeting is tentatively scheduled for June 3-4, 2015. Locations for all spring 2015 meetings are yet to be determined.

Compact Council Action: This topic was accepted for information only.

(Attachment 3)

Topic #4 Bureau of Justice Statistics (BJS) Update

Ms. Devon Adams, BJS, provided a brief update on the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP). She addressed how funding was allocated through both funding programs in Fiscal Year (FY) 2014 and provided information on the projected budgets for both programs in FY 2015. Ms. Adams shared statistics demonstrating the successes of the NARIP funding efforts through increased number of records available to the NICS Index. She noted that funding from both programs had been primarily dedicated to disposition improvement efforts in FY 2014, in large part due to congressional language dictating a focus on strengthening the NICS Index for both programs. Ms. Adams also spoke briefly about how applications were funded, particularly in light of the congressional language dictating a focus on the NICS Index.

The Council discussed the potential value of the BJS providing possible “lessons learned” regarding the NCHIP/NARIP application process. The Council also discussed whether it might be possible for the BJS to provide examples of applications that did not receive funding, so that other states might have a better understanding of how to craft funding applications. Ms. Adams agreed to evaluate the possibility of providing such examples.

Compact Council Action: This topic was accepted for information only.

(Attachment 4)

Topic #5 Retention of Below Threshold Quality Civil Submissions

Ms. Chasity S. Anderson, FBI CJIS Division staff, presented the proposed interim solution for retention of below threshold quality civil submissions. As background, the Compact Council had requested the CJIS Division to evaluate possible solutions for retaining below threshold quality civil fingerprint submissions, particularly with regards to the potential impact to the NGI Rap Back Service.

Ms. Anderson shared that the CJIS Division has an existing process in place to assist in identifying fingerprints of twins. As twins’ fingerprints are often very similar, they are flagged to force a manual review if a potential match is made. The proposed interim solution for retention of below threshold civil submissions would leverage the concept behind this solution. Ms. Anderson stated that the proposed solution would be drafted as a proposal for routing through the CJIS Division executive management for approval and a topic paper would be forthcoming.

Compact Council Action: Captain Thomas W. Turner moved to support the proposed interim solution for retaining below threshold quality civil submissions as presented. Seconded by Ms. Carole Shelton. Motion carried.

Topic #6 Memorializing the Phased-In Approach in the National Fingerprint File Qualification Requirements (Quals)

Ms. Christy M. Kirkwood, FBI CJIS Division staff, presented the proposal to memorialize the phased-in approach to NFF implementation in the NFF Quals. As background, Ms. Kirkwood explained that in November 2010, the Council approved a motion to allow an incremental, phased-in approach to NFF implementation. As an effort to make the phased-in approach requirements readily available to future NFF states, it was recommended that the phased-in approach be included in the NFF quals. Ms. Kirkwood noted that the S&P Committee approved the proposal in September 2014.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the S&P Committee motion to accept Option A – Endorse adding an appendix to the current NFF Quals to memorialize phased-in language. Seconded by Ms. Wendy L. Brinkley. Motion carried.

(Attachment 5)

Topic #7 SEARCH Update

Mr. Scott M. Came, SEARCH, provided updates pertaining to the SEARCH membership activity and initiatives. He opened his presentation by highlighting the tentative agenda for the upcoming January 2015 meeting, including an update on government affairs, a discussion of the impact of criminal history records on re-entry and employment, federal partner briefings, and breakout sessions focused on information technology consolidation and cloud computing. The meeting will be held in Austin, Texas, on January 27-29, 2015.

Mr. Came then discussed the development of Policy Position Statements as an expression of the SEARCH membership views. He explained that eight Policy Position Statements were drafted this year as a representation of the voice of the states, drawing common themes from the SEARCH's many years of resolutions and adding new themes as appropriate. Mr. Came also announced a change in the SEARCH Board leadership, recognizing Mr. Brad Truitt, Tennessee, as the new Chair and Dr. Natalie Chrastil, Wyoming, as the new Vice Chair.

Next, Mr. Came briefed the Open Justice Broker Consortium (OJBC) SEARCH is currently pursuing in partnership with its member agencies. This initiative seeks to bring integrated justice information sharing solutions to a common technology platform so that they can be implemented in other states to minimize redundancy. Mr. Came stated that over six dozen individual information exchanges had been implemented as a result of the initiative, all of which conform to national standards for justice information sharing. He noted that one success story as a result of the initiative came from collaboration with the Hawaii Criminal Justice Data Access Center, and introduced Ms. Jennifer Sablan of that agency to share her agency's experiences with the standardized subscription notification application for use with Rap Back Service.

Ms. Sablan shared her experiences in developing Hawaii's Rap Back infrastructure. The subscription notification application resulting from the OJBC initiative automatically extracts from Hawaii's case management system the data needed to establish criminal justice Rap Back subscriptions for those under supervised release. Hawaii used this experience as a base for developing its overall Rap Back infrastructure. Ms. Sablan noted that Hawaii had utilized Appendix 2 of the Noncriminal Justice Rap Back Service Policy and Implementation Guide to make key policy decisions regarding its approach to the Rap Back Service, and that they consulted their user base throughout the process to ensure maximum usability.

Compact Council Action: This topic was accepted for information only.

(Attachment 6)

Topic #8 Next Generation Identification (NGI) Status Update

Mr. William G. McKinsey, FBI CJIS Division Biometric Services Section Chief, provided an update on the incremental deployment of the NGI and changes to the system. He presented a high-level depiction of the specific milestones with the NGI Program.

Mr. McKinsey gave a brief overview of the NGI Increments deployed leading up to the implementation of Increment 4. He shared success stories resulting from the Repository for Individuals of Special Concern program, implemented with Increment 2, and the increased latent functionality, delivered with Increment 3.

Mr. McKinsey announced that the Increment 4 was deployed on September 7, 2014, noting that the legacy IAFIS was removed and replaced by the NGI. Mr. McKinsey addressed the new functionalities delivered with Increment 4, including Rap Back Service and facial recognition service. He noted that he expected to be ready to bring states and agencies on as Rap Back Service participants in January 2015. Mr. McKinsey stated that the facial recognition pilot was coming to a close, and that he expected some states could be transitioned from the pilot to the operational system in the

first quarter of 2015. Lastly, Mr. McKinsey noted that the Increment 5 Iris Pilot had been completed.

The Council discussed the need for a testing region for the NGI, particularly with regards to the Rap Back Service. The FBI CJIS Division management agreed to evaluate the possibility of providing a testing functionality for the Rap Back Service and will report back to the Council. The Council also voiced a desire for a briefing to include the states and the CJIS Division to evaluate the implementation of Increment 4 and develop lessons learned. The CJIS Division management agreed this would be valuable and would evaluate pursuing such a solution.

Compact Council Action: This topic was accepted for information only.

(Attachment 7)

**Topic #9 (A) Introduction of the FBI Face Recognition Business Line
(B) NGI – Interstate Photo System Policy and Implementation Guide**

Ms. Margery E. Broadwater, FBI CJIS Division staff, presented an introduction to the FBI Face Recognition Business Line and provided an overview of the Interstate Photo System (IPS) Policy and Implementation Guide. She prefaced her presentation by noting that the NGI Interstate Photo System Face Recognition Pilot (IPSFRP) is still underway, with the FBI CJIS Division Face Services Unit, Florida, Maine, Maryland, Michigan, New Mexico, and Texas as pilot participants. She noted that the transition from the pilot to full functionality is slated for early 2015, and that ten additional states have indicated they will be ready to begin participating at that time.

Ms. Broadwater then provided an introduction to the Face Services Unit (FSU). She noted that the FSU has been a participant in the IPSFRP since its inception, using the system daily to search on behalf of FBI agents with active investigations. Ms. Broadwater noted that the service provided by the FSU is exclusive to FBI Field Offices, and includes searching the NGI system, analyzing the candidates returned, narrowing the list to likely candidates, and searching additional internal and external databases. She stated that by comparison, the IPS Face Recognition service available to contributors is a lights-out process wherein the contributor submits a probe photo, and the NGI returns a ranked list of 2-50 candidates. The contributor then makes the necessary comparisons.

Next, Ms. Broadwater announced that Version 1.1 of the IPS Policy and Implementation Guide was approved by the CJIS APB in June 2014. She noted that a draft Version 1.2 with several changes had been provided to the Council members. Next, Ms. Broadwater noted changes in Version 1.2 of the Guide.

Ms. Broadwater highlighted portions of the Guide's content. She advised that the Guide provides information on the enrollment of photos in the IPS, methods by which photos can be searched and retrieved, and training information.

Ms. Broadwater then provided answers to specific scenario questions regarding the IPS's functionality that had been posed during the S&P Committee meeting in September 2014. The questions were primarily related to testing the relationships between civil and criminal identities as they relate to the IPS; the appropriate testing had been conducted and Ms. Broadwater provided the results. She confirmed that a text-based search of the IPS will only return photos in the Criminal Identity Group. Ms. Broadwater also stated that if both a civil identity and a criminal identity exist for the same individual, then the criminal identity will take precedence and the individual's photos will be stored in the Criminal Identity Group. However, if the event(s) establishing the criminal identity are expunged, then the civil photo will be separated from the Criminal Identity Group and returned to the Civil Identity Group. Lastly, Ms. Broadwater confirmed that a civil photo and associated biometrics and biographics may be deleted using the Civil Delete and Biometric Delete transactions.

Compact Council Action: This topic was accepted for information only.

(Attachments 8 & 9)

Topic #10 Update on Maximizing Criminal Justice Data Access Study

Ms. Chasity S. Anderson, FBI CJIS Division staff, provided an update on the Maximizing Criminal Justice Data Access Study. She briefed the actions to date in support of the Study, including meetings with stakeholders from the Council and the CJIS APB.

As a result of the stakeholder meeting, Ms. Anderson noted that it was confirmed that the CJIS Division, in interfacing with the users, needs to speak in terms of the data received rather than the systems and services utilized for maximum clarity. There was also a concern that the Maximizing Criminal Justice Data Access Study would overlap with the N3G canvass, potentially doubling the strain on staff time and resources at the states in responding to the Study. Ms. Anderson announced that a decision had recently been made to postpone the Study until further notice.

Compact Council Action: This topic was accepted for information only.

Topic #11 How to Submit a Topic for Agenda Consideration by the Committees and the Compact Council

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented the process for

submitting a topic for agenda consideration by the Committees and the Council. She noted that this presentation was the result of a request by Chairman Peck. Ms. Drabish described the various methods for submitting a topic suggestion, including using the form located on the Council's public website. Ms. Drabish then described the process of transforming a topic suggestion into a topic paper or presentation for the Committees or Council meetings. These steps include review of the topic suggestions by the FBI Compact Officer for approval and placement on a draft agenda, review by the Council Chairman and Chair and Vice Chair of the Committees for approval and placement on a final agenda, and assignment of the topic to appropriate staff to draft a topic paper. Ms. Drabish noted that topics are generally placed first on a Committee agenda, then forwarded as appropriate to the Council for consideration.

Compact Council Action: This topic was accepted for information only.

(Attachment 10)

Topic #12 Civil Fingerprint Image Quality Pilot Program Update

Ms. Riley J. Davis, FBI CJIS Division staff, provided an update on the Civil Fingerprint Image Quality Pilot Program. As background, she explained that in March 2013, the CJIS Division hosted a civil fingerprint image quality discussion in which 22 individuals from the fingerprint community participated, along with members of the S&P Committee, and several CJIS Division subject matter experts. The discussion focused on different issues that might be affecting civil fingerprint image quality, as well as possible solutions on how to lower the reject rates for civil fingerprint image quality. As a result of the discussion, the Council voted at its May 2013 meeting to approve a pilot program.

Ms. Davis presented the Civil Fingerprint Image Quality Pilot Program Report. This document provided details regarding the pilot program results to date for one state, the pilot status of three states, and results of interviews with states performing well in civil fingerprint image quality. Ms. Davis noted that one pilot state, New Mexico, implemented a statewide contract for electronic fingerprint capture in November 2013, simultaneously making a policy change requiring all civil fingerprints to be captured electronically by the vendor. She noted that monitoring of New Mexico's civil fingerprint image quality reject rate during this period showed that the reject rate dropped steeply once the statewide contract for electronic fingerprint capture was implemented. Ms. Davis stated that this indicated that increasing electronic fingerprint capture, through the combined implementation of the contract and the policy change, was successful in sharply reducing New Mexico's civil fingerprint image quality reject rate. She noted that New Mexico's success may be replicable in other states through various methods of increasing electronic fingerprint capture.

Ms. Davis then addressed the pilot status of the three remaining pilot states, noting that some actions already taken in those states included training efforts and placement of additional live scan devices for use by pilot state agencies with high civil image quality reject rates. Ms. Davis also shared results of interviews she conducted with states that had significant improvements in their civil fingerprint image quality reject rates between 2012 and 2013. She noted that best practices derived from these interviews included implementing front-end quality controls on live scan devices, increased training focus, and leveraging the skills of experienced staff to capture fingerprints electronically.

Compact Council Action: This topic was accepted for information only.

(Attachment 11)

Topic #13 Revisions to the Council's Handbook

Ms. Paula A. Barron, FBI CJIS Division staff, presented the proposed revisions to the Council's Handbook. As background, Ms. Barron noted that the Handbook was originally created in 2005, and was recently reviewed for updates per the Council's strategic plan. She noted that the P&O Committee had reviewed the proposed revisions in September 2014.

First, Ms. Barron noted that during the review of the Handbook, it was noted that updates to the Council's rulemaking process (included in the Handbook) were needed to reflect the name change of the FBI Office of the General Counsel (OGC) Access Integrity Unit to the Criminal Justice Information Law Unit (CJILU). Additional minor grammar and style changes were made for clarity and consistency with the Gregg Reference Manual.

Compact Council Action: Ms. Liane M. Moriyama moved to approve the proposed revisions to the Council's rulemaking process. Seconded by Captain Thomas W. Turner. Motion carried.

Next, Ms. Barron addressed each recommended change to the Handbook. Changes were primarily for consistency with the Compact and Compact Council bylaws, to reflect current practices, and for grammar, style, and clarity.

Compact Council Action: Ms. Liane M. Moriyama moved to approve the proposed revisions to the Council's Handbook as presented with a minor amendment to Recommendation #9. The modification to Recommendation #9 is noted below with additions in bold.

State Compact Officer Responsibilities

A SCO is responsible for administering the Compact in their state by:

- Establishing procedures to protect the accuracy and privacy of records, and ensure the procedures are consistent with the Compact and with rules, procedures, and standards established by the National Crime Prevention and Privacy Compact Council (Council).
- Regulating the in-state use of records received by means of the III System from the FBI or from other Compact states.
- Ensuring the records obtained are used only by authorized officials for authorized purposes.
- Requiring subsequent record checks are requested to obtain current information whenever a new need arises.
- **Ensuring that the state continues to move forward toward NFF participation, and once a participant, ensuring compliance with NFF requirements.**

Seconded by Captain Thomas W. Turner. Motion carried.

(Attachment 12)

Topic #14 Revisions to the Frequently Asked Questions Brochure

Ms. Riley J. Davis, FBI CJIS Division staff, presented proposed revisions to the Frequently Asked Questions Brochure. As background, Ms. Davis noted that the Frequently Asked Questions Brochure was initially published in fall 2007 as a resource to provide information on the Compact, the Council, the III, and the NFF, particularly for those not familiar with the Compact and the role of the Council. She noted that it had been reviewed in accordance with the Council's strategic plan and that the proposed changes had been approved by the P&O Committee in September 2014. Ms. Davis noted the proposed changes were made to provide additional info, such as including information on the phased-in approach to NFF implementation approved by the Council in November 2010. Other changes were minor grammar, spelling, and style revisions made to improve clarity or updates to reflect current practice.

(Attachment 13)

Compact Council Action: Ms. Liane M. Moriyama moved to endorse the P&O Committee's motion to accept the proposed revisions to the Frequently Asked Questions Brochure. Seconded by Mr. Dennis Ulrich. Motion carried.

Topic #15 Biometric Interoperability Update

Ms. Cindy Taylor, FBI CJIS Division staff, presented the biometric interoperability update which provides the NGI users with information regarding the

implementation of biometric-based interoperability between the FBI CJIS Division and other federal agencies. She briefly touched upon the progress made in relation to biometric interoperability and noted some of the cumulative statistics related to biometric interoperability successes.

Ms. Taylor reported that the CJIS Division had been working with INTERPOL Washington, as well as the Department of Homeland Security (DHS) Office of Biometric Identity Management (OBIM), in an effort to make INTERPOL notices accessible to the DHS stakeholders via the NGI. The first phase was completed in November 2013 and provides the initial capability for the automated sharing to the Automated Biometric Identification System (IDENT) through the NGI. She noted that when the final phase of this project is complete, all INTERPOL notices will be removed from the IDENT system and IDENT customers will search against INTERPOL notices using the NGI.

In addition, Ms. Taylor advised that the DHS oversight groups signed the Criminal Justice Purpose Memo in September 2013. She stated that this memorandum recognizes the ability for all U.S. criminal justice agencies to query the IDENT by submitting biometrics (including latent fingerprints) for all criminal justice purposes without having new U.S. criminal justice users first seek approval. The CJIS Division and the OBIM have established a working group to coordinate deployment for this effort, and an information letter outlining the additional interoperability services for FY 2014 was sent to all CJIS system agencies, State Identification Bureaus (SIBs), interface agencies, and working group members on April 7, 2014.

Ms. Taylor advised that the automated functionality for full latent interoperability for all users was deployed with the NGI Increment 4. The search is not automatic. She further clarified that users will need to select whether to search the latent submission in an external system by utilizing the Name of Designated Repository field. Even though the technical infrastructure will be in place for latent users to search external systems, participation is not automatic. It will require coordination with the FBI CJIS Division and the external user. Ms. Taylor also advised that the technical infrastructure to support record linking was delivered with the NGI Increment 4; however, it will not be implemented until it is fully available within the DHS IDENT. She noted that when implemented, record linking functionality will provide numerous benefits, including faster response times and decreased operational costs for both the FBI CJIS Division and the DHS.

Regarding next steps, she reported that the NGI interoperability enhancements will continue to be delivered incrementally in the coming months, with the increased functionality to be extended to additional CJIS stakeholders. The FBI CJIS Division is working to address the impacts to the biometric interoperability participants as the transition to the NGI occurs. In conclusion, Ms. Taylor advised that the Global Initiatives Unit will continue to work closely with the DHS, as well as the Department of

Defense, to manage current and emerging biometric interoperability and to identify and close information-sharing gaps.

Compact Council Action: This topic was accepted for information only.

(Attachment 14)

Topic #16 Departmental Order (DO) Update

As background, the DO was established in 1973 and permits a subject to request a copy of his/her own criminal history from the FBI for review and/or correction. Over the years, the Council has expressed concern relating to the possible misuse of the DO, in that the criminal history record may be used for the benefit of potential employers and other noncriminal justice entities.

In a continued effort to address the concern raised by the Council, Ms. Paula J. Zirkle, FBI CJIS Division staff, provided a brief update on the ongoing efforts to modify the DO fingerprint processing procedures. She provided statistics regarding the number of third-party requests and discussed the monthly outreach efforts to states regarding entities that may be misusing the DO and possibly bypassing the states' Public Law (Pub. L.) 92-544 statutes. As a result of these information-sharing efforts, Ms. Zirkle announced that third-party dissemination was significantly reduced in FY 2014. In addition, Ms. Zirkle highlighted the categories and states in which the DO is disseminated to a third-party. She advised that she will continue to reach out to states to provide educational outreach.

Ms. Zirkle also announced that an information letter had been sent to all CJIS Systems Officers (CSOs) and SIBs explaining the FBI's intent to publish in the *Federal Register* the possible process change to limit the third-party dissemination of a DO request.

Compact Council Action: This topic was accepted for information only.

Topic #17 Update on the Transportation Security Administration (TSA) HAZMAT Programs

Mr. Nathan Tsoi, TSA, provided a brief overview of the TSA's Technology Infrastructure Modernization (TIM) effort. This effort seeks to bring all the vetting programs at TSA (including the HAZMAT endorsement, the Transportation Worker's Identification Credential (TWIC), and the TSA Pre-check Program) under one aegis. He noted the data of applicants who have undergone the TWIC vetting process have already been migrated to the TIM, with the TSA Pre-check and HAZMAT populations to follow.

The final goal for this effort is for the TIM to serve as the direct channeler to the FBI and to the DHS IDENT on behalf of the 42 jurisdictions using TSA's contracted vendor, MorphoTrust USA.

The Council expressed concerns that TSA's intention for the TIM to serve as the channeler to the FBI would likely mean eliminating the check of the state criminal history record repository and thus potentially failing to receive disqualifying information. The Council requested that the TSA engage with the Council Chair and the FBI OGC CJILU and Privacy and Civil Liberties Unit for further discussion and inclusion on the spring 2015 Committee meeting agenda.

Compact Council Action: This topic was accepted for information only.

(Attachment 15)

Topic #18 Compact Council Strategic Plan Update

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented the Council's Strategic Plan Update. She reported that during the September 2014 P&O Committee meeting, the members reviewed the detailed Status Report and focused only on those items that were scheduled for review. She noted that for the Council's update, the members should only refer to the Scorecard. As a reminder, the Scorecard is designed to provide a quick visual status of each of the strategic actions. She remarked that most of the strategic actions are green or blue, which means the Council is proceeding on schedule toward meeting its goals and objectives.

After quickly reviewing the setup of the Scorecard, Ms. Drabish reviewed each of the objectives, discussed the color assigned to each strategic action, provided a status update, and presented several accomplishments that supported each of the strategic actions. Some of the successes included that the FDLE hosted an NFF Lessons Learned and Funding Tips Webinar with presentations from the Iowa, Michigan, and Wyoming SCOs, the Wyoming SCO discussed Compact ratification with the New Mexico State Identification Bureau, and Council members participated in the Maximizing Criminal Justice Data Access Study.

Ms. Drabish noted that during the September 2014 P&O Committee meeting, the Committee discussed modifying strategic action 4.1.4. to be more inclusive to SCOs.

Compact Council Action: Ms. Liane M. Moriyama moved to endorse the P&O Committee's motion to modify the language in Strategic Action 4.1.4 to include State Compact Officers. The proposed revision is noted below with additions in bold and deleted language indicated with ~~strikeout~~.

Involve ~~Council members~~ **State Compact Officers** in attending and participating in regional and national activities conducted by non-governmental and professional organizations engaged in the collection, storage, and dissemination of criminal history record information and report to the Council when appropriate.

Seconded by Ms. Carole Shelton. Motion failed.

Following Council discussion, members decided that striking “Council members” from the strategic action was also non-inclusive. As such, Council developed a revised motion to amend strategic action 4.1.4 to ensure inclusion of both Council members and SCOs.

Compact Council Action: Ms. Liane M. Moriyama moved to modify the language in Strategic Action 4.1.4 to include State Compact Officers and Council members. The proposed revision is noted below with additions in bold.

Involve Council members **and State Compact Officers** in attending and participating in regional and national activities conducted by non-governmental and professional organizations engaged in the collection, storage, and dissemination of criminal history record information and report to the Council when appropriate.

Seconded by Ms. Carole Shelton. Motion carried.

(Attachment 16)

Topic #19 National Crime Prevention and Privacy Compact Ratification – Discussion of Ideas to Assist Nonparty States

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented a discussion of ideas to assist nonparty states with Compact ratification. Ms. Drabish provided a brief history of the Council’s Compact ratification efforts to date as background. She then stated that in June 2013, the Compact Team solicited the SCOs for ideas on how to assist nonparty states with Compact ratification. The responses received were discussed during the September 2014 P&O Committee meeting, when Committee members participated in a brainstorming session aimed at developing possible Compact ratification strategies.

As a result of the discussion, the P&O Committee recommended the creation of a Compact ratification mentorship program, which would pair a Compact state point of contact with a nonparty or MOU state point of contact. The mentor would serve as a

resource to nonparty/MOU state representatives. In addition, the P&O Committee recommended the creation of a Compact ratification checklist document that could be used by the nonparty states in pursuing Compact ratification.

Compact Council Action: Ms. Liane M. Moriyama moved to endorse the P&O Committee's recommendations to create a Compact ratification mentorship program and develop a draft Compact ratification checklist. Seconded by Ms. Carole Shelton. Motion carried.

(Attachment 17)

Topic #20 Changes to the Security and Management Control Outsourcing Standards for Channelers and Non-Channelers

Ms. Riley J. Davis, FBI CJIS Division staff, presented proposed changes to the Security and Management Control Outsourcing Standards (OSs) for Channelers and Non-Channelers to the Council for consideration. Ms. Davis opened her presentation by briefly noting that in September 2014, the S&P Committee addressed a discussion item related to a state's sole source responsibility in relation to outsourcing noncriminal justice administrative functions.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the S&P Committee's motion that any requests relating to outsourcing sole source functions not be approved until further direction by the Council. Seconded by Mr. Michael C. Lesko. Motion carried.

Next, Ms. Davis addressed several recommended changes to the OSs. She advised that many of the recommendations were a result of discussions during the May 2014 Council meeting, when several changes were made to the OSs to align more closely with the CJIS Security Policy. Additional changes provided clarity and brought the OSs more closely in line with current processing by both the FBI and the states. The recommendations are listed below.

Recommendation #1

The Authorized Recipient that is outsourcing has a working relationship with the Contractor and is more aware of the contract terms versus the FBI or state authorizing the request. As such, the reason for the suggested change in Section 2.03(c) of the OS for Channelers is to place the responsibility of making available the most updated documentation on the relevant Compact Officer or Chief Administrator for disseminating to the Authorized Recipients. This recommendation would provide consistency between both OSs as this change was made to the OS for Non-Channelers in spring 2014.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the changes in Section 2.03(c) in recommendation #1. The suggested language for Section 2.03(c) of the OS for Channelers is noted below with additions in **bold and deleted language is indicated with ~~strikeout~~.**

Section 2.03(c)

The ~~Authorized Recipient~~ **State Compact Officer/Chief Administrator or the FBI Compact Officer** shall ensure that **make available** the most current versions of both the Outsourcing Standard and the CJIS Security Policy **to the Authorized Recipient** are incorporated by reference at the ~~time of contract, contract renewal, or within 360~~ **60** calendar days (unless otherwise directed) of notification of successor versions of the Outsourcing Standard and/or **the** CJIS Security Policy, ~~whichever is sooner~~. Within ~~360~~ **60** calendar days of changes or updates to the Outsourcing Standard and/or **the** CJIS Security Policy, the FBI shall notify Contractors of such changes or updates. **The Authorized Recipient shall be responsible to ensure the most updated versions are incorporated by reference at the time of contract, contract renewal, or within the 60 calendar day notification period, whichever is sooner.**

Seconded by Ms. Carole Shelton. Motion carried.

Recommendation #2

To create new Sections (2.03(f) and 3.10) in the OS for Channelers which would allow the State Compact Officer/Chief Administrator or the FBI Compact Officer access to currently approved outsourcing contracts.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the addition of Section 2.03(f) and Section 3.10 in recommendation #2. The suggested language for Section 2.03(f) and Section 3.10 of the OS for Channelers is noted below with additions in **bold.**

Section 2.03(f) and Section 3.10

The Authorized Recipient and/or Contractor shall make available to the State Compact Officer/Chief Administrator or the FBI Compact Officer the relevant portions of the current and approved contract relating to CHRI, upon request.

Seconded by Ms. Carole Shelton. Motion carried.

Recommendation #3

To add language to Section 3.06 in the OS for Channelers to ensure FBI audit access for security inspections.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse recommendation #3. The suggested language for Section 3.06 in the OS for Channelers is noted below with additions in **bold**.

Section 3.06

The Contractor shall make its facilities available for announced and unannounced audits **and security inspections** performed by the Authorized Recipient, the state, or the FBI on behalf of the Compact Council.

Seconded by Mr. Michael C. Lesko. Motion carried.

Recommendation #4a and #4b

To clarify language in Section 2.03(a) and Footnote 4 of the OS for Non-Channelers regarding background checks

Compact Council Action: Ms. Donna M. Uzzell moved to endorse recommendations #4a and #4b. The suggested language for Section 2.03(a) and Footnote 4 in the OS for Non-Channelers is noted below with additions in **bold** and deleted language is indicated with **strikeout**.

Section 2.03(a)

The Authorized Recipient shall conduct criminal history record checks of Contractor personnel having access to CHRI if such checks **of the Authorized Recipient's personnel** are required or authorized **under an existing federal statute, executive order, or state statute approved by the United States Attorney General under Public Law 92-544** ~~of the Authorized Recipient's personnel having similar access.~~⁴ The Authorized Recipient shall maintain updated records of Contractor personnel who have access to CHRI and update those records within 24 hours when changes to that access occur and, if a criminal history record check is required, the Authorized Recipient shall maintain a list of Contractor personnel who successfully completed the criminal history record check.

Footnote 4

If a national criminal history record check of Authorized Recipient personnel having access to CHRI is mandated or authorized by a federal statute, executive order, or state statute approved by the **United States** Attorney General under Public Law 92-544, the State Compact Officer/Chief Administrator and/or the FBI Compact Officer must ensure Contractor personnel ~~having similar~~ **accessing CHRI** are either covered by the existing law or that the existing law is amended to include such Contractor personnel prior to authorizing outsourcing initiatives. The national criminal history record checks of Contractor personnel with access to CHRI cannot be outsourced and must be performed by the Authorized Recipient.

Seconded by Ms. Wendy L. Brinkley. Motion carried.

Recommendation #5

To create new Sections (2.03(d) and 3.09) in the OS for Non-Channelers to allow the State Compact Officer/Chief Administrator or FBI Compact Officer unrestricted access to an approved outsourcing contract.

Compact Council Action: Mr. Merton W. Miller moved to endorse recommendation #5. The suggested language for Sections 2.03(d) and 3.09 in the OS for Non-Channelers is noted below with additions in bold.

Section 2.03(d) and Section 3.09

The Authorized Recipient and/or Contractor shall make available to the State Compact Officer/Chief Administrator or the FBI Compact Officer the relevant portions of the current and approved contract relating to CHRI, upon request.

Seconded by Ms. Donna M. Uzzell. Motion carried.

Recommendation #6

To change language in Section 3.03(c)(i) of the OS for Non-Channelers to align with the CJIS Security Policy wording relating to a written security plan.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse recommendation #6. The suggested language in Section 3.03(c)(i) in the OS for Non-Channelers is noted below with additions in bold and deleted language is indicated with ~~strikeout~~.

Section 3.03(c)(i)

Develop and maintain a written ~~security violation~~ **incident reporting** plan **to address security events, to include violations and incidents.** (See the **CJIS Security Policy {www.fbi.gov/about-us/cjis/cjis-security-policy-resource-center/view}**)

Seconded by Ms. Carole Shelton. Motion carried.

Recommendation #7

To add language in Section 3.05 of the OS for Non-Channelers to ensure FBI audit access for security inspections.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse recommendation #7. The suggested language in Section 3.05 in the OS for Non-Channelers is noted below with additions in bold.

Section 3.05

The Contractor shall make its facilities available for announced and unannounced audits **and security inspections** performed by the Authorized Recipient, the state, or the FBI on behalf of the Compact Council.

Seconded by Mr. Dennis Ulrich. Motion carried.

Recommendation #8

To adjust language in Section 8.01(a) of the OS for Non-Channelers to align with the CJIS Security Policy and the change in Section 3.03 (recommendation #6).

Compact Council Action: Ms. Donna M. Uzzell moved to endorse recommendation #8. The suggested language in Section 8.01(a) in the OS for Non-Channelers is noted below with additions in bold and deleted language is indicated with ~~strikeout~~.

Section 8.01

Duties of the Authorized Recipient and Contractor

- a. The ~~Contractor~~ **Authorized Recipient** shall develop and maintain a written policy for discipline of Contractor employees who violate the security provisions of the contract, which includes this Outsourcing Standard that is incorporated by reference. The ~~Contractor~~ **Authorized Recipient** shall develop and maintain a written ~~security violation~~ **incident reporting** plan for ~~security violations~~ **security events, to include violations and incidents.** (See also Sections 2.07 and 3.03)

Seconded by Ms. Julie A. Lackner. Motion carried.

Recommendation #9

To suggest language for the recently created Section 11.0, Duties of the State Compact Officer/Chief Administrator, of the OS for Non-Channelers. If approved, for consistency, the Compact Team staff will review each of the OSs to determine where appropriate modifications should be made to change “security violation” to “security events.”

Compact Council Action: Ms. Donna M. Uzzell moved to endorse recommendation #9, with a minor modification to Section 11.09. The suggested language in Section 11.0 in the OS for Non-Channelers is noted below with additions in bold.

Section 11.0

Duties of the State Compact Officer/Chief Administrator

Section 11.01

The State Compact Officer/Chief Administrator shall review legal authority and respond in writing to the Authorized Recipient’s request to outsource noncriminal justice administrative functions.

Section 11.02

The State Compact Officer/Chief Administrator reserves the right to review relevant portions of the outsourcing contract relating to CHRI throughout the duration of the contract approval.

Section 11.03

The State Compact Officer/Chief Administrator must ensure criminal history record checks on approved Contractor and Sub-Contractor employees with access to CHRI are completed by the Authorized Recipient, if such checks are required or authorized of the Authorized Recipient personnel by federal statute, executive order, or state statute approved by the United States Attorney General under Public Law 92-544. Criminal history record checks should be no less stringent than the checks performed on the Authorized Recipient personnel. Criminal history record checks must be completed prior to accessing CHRI under the contract.

Section 11.04

Coordinate with the Authorized Recipient for the review and approval of the Contractor's Topological drawing which depicts the interconnectivity of the Contractor's network configuration as it relates to the outsourcing function(s).

Section 11.05

90 Day Compliance Review

- a. The State Compact Officer/Chief Administrator shall work in coordination with the Authorized Recipient to conduct an audit of the Contractor within 90 days of the date the Contractor first receives CHRI under the approved outsourcing agreement.**
- b. The State Compact Officer/Chief Administrator shall review the Authorized Recipient's audit certification to ensure compliance with the Outsourcing Standard.**
 - i) The State Compact Officer/Chief Administrator shall address concerns with the Authorized Recipient resulting in non-compliance with the 90 day audit of the Contractor.**
 - ii) The State Compact Officer/Chief Administrator shall have the right to terminate an Authorized Recipient's Outsourcing approval to a Contractor(s) for failure or refusal to correct a non-compliance issue(s).**

Section 11.06

The State Compact Officer/Chief Administrator shall coordinate with the Authorized Recipient to review the Contractor's Security Program. The program shall describe the implementation of the security requirements outlined in this Outsourcing Standard and the CJIS Security Policy. During the review, provisions will be made to update the Security Program to address security events and to ensure changes in policies and standards, as well as changes in federal and state law, are incorporated.

Section 11.07

The State Compact Officer/Chief Administrator shall audit the Authorized Recipient and/or Contractor's operations and procedures. This may be done at scheduled and unscheduled times.

Section 11.08

The State Compact Officer/Chief Administrator shall assign a unique identifying number to each Authorized Recipient, Contractor, or sub-Contractor to ensure system security.

Section 11.09

The State Compact Officer/Chief Administrator shall require immediate (within four hours) notification by the Authorized Recipient of any security event, to include security violations and incidents or termination of the contract, to include unauthorized access to CHRI made available pursuant to the contract. The State Compact Officer/Chief Administrator shall receive a written report from the Authorized Recipient of any security event (to include unauthorized access to CHRI by the Contractor) within five calendar days of receipt of the written report from the Contractor, that must include any corrective actions taken by the Contractor and Authorized Recipient to resolve such security event. (See the CJIS Security Policy {www.fbi.gov/about-us/cjis/cjis-security-policy-resource-center/view})

Section 11.10

Suspension or termination of the exchange of CHRI for security events.

- a. The State Compact Officer/Chief Administrator may suspend or terminate the exchange of CHRI for security events or refusal or incapability to take corrective action to successfully resolve a security event.**

- b. The State Compact Officer/Chief Administrator may reinstate access to CHRI between the Authorized Recipient and the Contractor after receiving written assurance(s) of corrective action(s) from the Authorized Recipient and/or the Contractor.**

Section 11.11

The State Compact Officer/Chief Administrator shall provide written notification to the FBI Compact Officer of the termination of a contract for security events to include the security events involving access to CHRI; the Contractor's name and unique identification number; the nature of the security event; whether the event was intentional; and the number of times the event occurred.

Section 11.12

The State Compact Officer/Chief Administrator reserves the right to investigate or decline to investigate any report of unauthorized access to CHRI.

Section 11.13

The State Compact Officer/Chief Administrator is authorized to perform a final audit of the Contractor's system following termination of contract.

Seconded by Ms. Carole Shelton. Motion carried.

Recommendation #10

To provide the Compact Team staff the flexibility of modifying the OSs when minor revisions are identified rather than presenting the modifications at the meetings. The minor revisions will be vetted electronically to the S&P Committee and subsequently to the Council members for approval. Once approved, the changes will be made to the OSs and updated accordingly. The Committee may bring any change presented electronically before the group for further in-depth discussion at anytime.

Compact Council Action: Ms. Donna M. Uzzell moved to take no action on Recommendation #10 and return the item to the S&P Committee for further review. Seconded by Ms. Wendy L. Brinkley. Motion carried.

(Attachment 18)

Topic #21 Legislative Update

Mr. Thomas G. Aldridge, of the FBI OGC CJILU, provided an overview of legislation introduced in the 113th Congress that may significantly affect the noncriminal justice use of the III and the noncriminal justice user community. Bills he discussed included Senate Bill (S.) 2647, Security Officer Screening Improvement Act of 2014, which is similar to S. 1362. This bill amends the National Child Protection Act/Volunteers for Children Act and requires the AG to establish a criminal history review program. The bill pertains to conducting private security officer background checks and the AG or designee will use the criteria established under the Private Security Officer Employment Authorization Act of 2004 to conduct the fitness determination.

Mr. Aldridge also discussed S. 2567, Record Expungement Designed to Enhance Employment Act of 2014. The bill authorizes eligible individuals convicted of a covered federal nonviolent offense that is not a crime of violence or sex offense to file a petition for sealing when certain requirements have been met. The S. 2567 would also amend 18 United States Code (U.S.C.) Section 503 by requiring the sealing of nonviolent juvenile records when certain conditions have been met, and amend 28 U.S.C. § 534 by requiring the AG to review every record for completeness and accuracy on a biannual basis and, to the extent feasible, update or correct each incomplete or inaccurate record and notify the reporting jurisdiction that a record is incomplete or inaccurate. Further, the

bill would prohibit the exchange of records with the requesting entity until the record is updated or corrected.

Next, Mr. Aldridge briefed House Resolution (H.R.) 5320. This untitled bill amends § 1511(a) of the Secure and Fair Enforcement (S.A.F.E.) Mortgage Licensing Act of 2008 by including the additional categories of “other financial service providers” or “persons working in related businesses” to be backgrounded through the Conference of State Bank Supervisors. He noted that the bill does not amend the S.A.F.E. Act to include a state fingerprint check.

Lastly, Mr. Aldridge briefed S. 2611, Helping Unaccompanied Minors and Alleviating National Emergency Act. This bill would amend 8 U.S.C. § 1232(c)(3) by requiring a biometric check of individuals with whom unaccompanied alien children are placed. The bill would prohibit placement of a child with an individual convicted of a sex offense or a crime involving a severe form of trafficking. He advised that the bill would require a fingerprint-based check through the FBI and through the state repositories of all current and former states of residency for each proposed custodian. Mr. Aldridge also noted that H.R. 5114 contains language identical to that of S. 2611.

Compact Council Action: This topic was accepted for information only.

Topic #22 Update on the Implementation of the Centers for Medicare and Medicaid Services’ National Background Check Program

Mr. Martin Kennedy, Centers for Medicare and Medicaid Services (CMS), and Ms. Delilah Barton, CNA, presented the update on the implementation of the CMS National Background Check Program. Mr. Kennedy provided the background for Section 6201 of the Patient Protection and Affordable Care Act (PPACA), Pub. L. 111-148. He explained that the PPACA requires the Secretary of the U.S. Department of Health and Human Services to establish a program for long-term care facilities and providers to conduct nationwide background checks on prospective direct patient access employees. Further, states and territories must apply to become a program participant and obtain federal matching grant funding.

Mr. Kennedy announced that grants have been awarded to 25 states and territories in the amount of \$56 million. He also noted that solicitations for the grant program are ongoing, and three states are currently considering applying for grant funding. He briefed some of the barriers experienced by states in implementing the National Background Check Program, including enabling legislation and moving to a fingerprint-based background check system. He noted that an Office of Inspector General report related to the program was expected in the coming months. Mr. Kennedy then introduced Ms. Delilah Barton.

Ms. Barton spoke regarding the technical assistance effort of the National Background Check Program. She shared statistics and analyses of some program results and highlighted successes of the program.

The Council requested a status update on the CMS Long Term Care Criminal Convictions Work Group Report (Work Group Report). As background, during the May 2013 Council meeting, the Council sent a letter formalizing the concerns of its membership with several of the Work Group Report's recommendations. Mr. Kennedy stated that while no decisions on next steps for the Work Group Report had been made, the CMS had been drafting position papers in preparation for possible issuance of a federal regulation/national standard regarding disqualification criteria and time periods in relation to the National Background Check Program. The Council requested the opportunity to review any such regulation prior to publication. Mr. Kennedy agreed to bring any such regulation to the Council.

Compact Council Action: This topic was accepted for information only.

(Attachment 19)

Topic #23 National Fingerprint-Based Background Checks – Steps for Success

Ms. Melody K. Ferrell, FBI CJIS Division staff, presented the National Fingerprint-Based Background Checks – Steps for Success document for the Council's consideration. As background, Ms. Ferrell noted that in September 2012, the P&O Committee discussed the potential benefits of publishing an educational resource that could be used to help familiarize legislatures with the Compact and the Council's authority to promulgate rules and procedures for noncriminal justice purposes. Ms. Ferrell noted that the Steps for Success document being presented to the Council was thoroughly vetted through the P&O Committee and had received multiple reviews from the FBI OGC. She noted that the document should not be used to lobby or influence legislatures on any legislation, and is instead intended as an educational tool to assist groups or legislatures in understanding the best practices for getting the most complete background check and obtaining maximum participation in a particular group of background checks.

Ms. Ferrell highlighted each of the Steps for Success, among them that the check should be fingerprint-based, submitted through the state's central record repository and include a state criminal history check, and support the right of the states to establish their own fee structure for processing the fingerprint-based background checks. Additional steps addressed that the use and dissemination of criminal history record information for noncriminal justice purposes will be subject to the Council's authority, and that the check should comply with the Privacy Act of 1974 and appropriate regulations.

Compact Council Action: Ms. Liane M. Moriyama moved to approve and endorse the publication of the National Fingerprint-Based Background Checks – Steps for Success on the Council’s public website. Seconded by Ms. Wendy L. Brinkley. Motion carried.

(Attachment 20)

Topic #24 Sanctions Committee Report

Ms. Julie A. Lackner, Sanctions Committee Chairman, addressed the Council with the Sanctions Committee's report. The Sanctions Committee met on November 4, 2014, and reviewed responses to the Sanctions' letters that were disseminated based on the review of audit findings during the May 2014 meeting. The Sanctions Committee reviewed the responses to the Sanctions letters and determined that five states and one FBI-approved channeler would be sent letters of closure, two states would be sent letters of closure contingent upon completion of open corrective actions by specified dates, and one state would be sent a follow-up letter.

The Sanctions Committee reviewed a summary of recently conducted audits from four NFF states for appropriate action. Recommendations were based on the following criteria: violations of articles of the Compact to include III misuse, Compact rules, and NFF Qualification Requirements. Based on these requirements, the Sanctions Committee made the following recommendations: one state will receive a letter of concern and closure, one state will receive a letter of concern and closure contingent upon completion of open corrective actions by specified dates, and two states will receive letters of recommendation.

The Sanctions Committee reviewed audit findings from two Compact states. Recommendations were based on the following criteria: violations of articles of the Compact to include III misuse and Compact rules. Non-NFF Compact states are also reviewed for compliance with the NFF qualifications; however, these findings are only provided for informational purposes. Based on these requirements, the Sanctions Committee made the following recommendations: one state will receive a letter of concern and closure, and one state will receive a letter of recommendation.

The Sanctions Committee reviewed audit findings from one non-Compact, non-MOU state for appropriate action. The recommendation was based on the following criteria: Non-Compact and non-MOU states are reviewed for violations of articles of the Compact to include the III misuse and the Compact rules. Based on these requirements, the Sanctions Committee recommended that the state receive a letter of recommendation.

The Sanctions Committee reviewed audit findings from twelve federally regulated agencies for appropriate action. The recommendation was based on the following

criteria: violations of articles of the Compact to include the III misuse and Compact rules. Based on these requirements, the Sanctions Committee recommended that nine agencies receive letters of commendation and closure, and three agencies receive letters of concern and closure.

The Sanctions Committee reviewed audit findings from one FBI-approved channeler for appropriate action. The Sanctions Committee also reviewed the corrective action plans implemented by the agency. Recommendations were based upon the requirements outlined in the Outsourcing Rule and the Outsourcing Standard. Based on these requirements, the Sanctions Committee made the following recommendations: it was recommended that one agency receive a letter of concern and closure contingent upon completion of open corrective actions by the specified dates.

Compact Council Action: Ms. Julie A. Lackner moved that the Council accept the Sanctions Committee report. Seconded by Mr. Matthew R. Ruel. Motion carried.

Topic #25 Clarification and Expansion of Appendix J

Mr. George A. White, FBI CJIS Division staff, presented the proposed clarification and expansion of the CJIS Security Policy Appendix J. He noted that the proposed clarification and expansion of Appendix J was the result of a task force effort to rewrite Appendix J that was supported through the S&P Committee. He stated that the results of the task force's efforts in the form of the revised Appendix J were vetted through the CJIS APB Working Groups, the S&P Committee, and the CJIS APB Security and Access (S&A) Subcommittee.

Compact Council Action: Captain Thomas W. Turner moved to endorse the S&P Committee's motion to approve the revisions to Appendix J of the CJIS Security Policy. Seconded by Ms. Carole Shelton. Motion carried.

(Attachment 21)

Topic #26 Proof of State of Residency Document Clarification

Mr. George A. White, FBI CJIS Division staff, presented the proposed clarification regarding proof of state of residency documents. He explained that the existing language provided a list of acceptable forms of proof, and that the proposed change was made to give CSOs the latitude to determine what constitutes proof of state of residency as each state may have slightly different perspectives on state residency. He noted that the CJIS APB Working Groups, S&A Subcommittee, and the S&P Committee had approved the proposed modification as presented.

Compact Council Action: Ms. Carole Shelton moved to endorse the S&P Committee's motion to approve the proposed modifications to the CJIS Security Policy as follows (changes in *bold italics*):

State of Residency – A state of residency is the state in which an individual claims and can provide documented evidence as proof of being his/her permanent living domicile. *CJIS Systems Officers have the latitude to determine what documentation constitutes acceptable proof of residency. Examples of acceptable documented evidence permitted to confirm an individual's state of residence are: driver's license, state or employer issued ID card, voter registration card, proof of an address (such as a utility bill with one's name and address as the payee), passport, professional or business license, and/or insurance (medical/dental) card.*

Seconded by Mr. Michael C. Lesko. Motion carried.

(Attachment 21)

Topic #27 **Modification of Policy Requirements for Remote Access for Privileged Functions**

Mr. George A. White, FBI CJIS Division staff, presented the proposed modifications of the CJIS Security Policy requirements for remote access for privileged functions. He explained that the proposed changes had been made to allow end users to document the processes they follow when permitting remote access for privileged functions, rather than justifying the decision to permit the remote access. He noted that the CJIS APB Working Groups, S&A Subcommittee, and the S&P Committee had approved the proposed modification as presented.

Compact Council Action: Captain Thomas W. Turner moved to endorse the S&P Committee's motion to approve the modification to Section 5.5.6 of the CJIS Security Policy as follows (changes in *bold italics*):

5.5.6 Remote Access

The agency shall authorize, monitor, and control all methods of remote access to the information system... The agency shall control all remote accesses through managed access control points. The agency may permit remote access for privileged functions only for compelling operational needs but shall document the ~~rational~~ *technical and administrative process for enabling remote access for privileged functions* such access in the security plan for the information system.

Seconded by Mr. Michael C. Lesko. Motion carried.

(Attachment 21)

Topic #28 Virtual Escorting for Remote Access

Mr. George A. White, FBI CJIS Division staff, presented the proposed modification to the CJIS Security Policy to allow virtual escorting for remote access. He explained that the proposed modification would allow for a virtual escort to actively monitor remote maintenance. Mr. White stated that the proposed language modifications provide a definition for virtual escort and provide the requirements that must be met in order for virtual escorting for remote access to be utilized. He noted that the CJIS APB Working Groups, S&A Subcommittee, and the S&P Committee had approved the proposed modification as presented.

Compact Council Action: Captain Thomas W. Turner moved to endorse the S&P Committee's motion to approve the proposed modification to the current CJIS Security Policy language in Appendix A: Terms and Definitions (item A) and Section 5.5.6.2 (item B) with the proposed changes as detailed below (changes/additions are in *bold italics*):

A. APPENDIX A TERMS AND DEFINITIONS

Virtual Escort – Authorized personnel who actively monitor a remote maintenance session on Criminal Justice Information (CJI)-processing systems. The escort must have the ability to end the session at any time deemed necessary to ensure the protection and integrity of CJI at all times.

B. 5.5.6 Remote Access

The agency shall authorize, monitor, and control all methods of remote access... The agency may permit remote access for privileged functions...

Virtual escorting of privileged functions is permitted only when all the following conditions are met:

- 1. The session shall be monitored at all times by an authorized escort.*
- 2. The escort shall be familiar with the system/area in which the work is being performed.*
- 3. The escort shall have the ability to end the session at any time.*

4. *The remote administrative personnel connection shall be via an encrypted (FIPS 140-2 certified) path.*
5. *The remote administrative personnel shall be identified prior to access and authenticated prior to or during the session. This authentication may be accomplished prior to the session via an Advanced Authentication (AA) solution or during the session via active teleconference with the escort throughout the session.*

Seconded by Ms. Donna M. Uzzell. Motion carried.

Mr. White then provided a brief update on the activities of the CJIS Information Security Office. He advised that during the fall 2014 APB Working Group meetings, an Information Security Officer (ISO) Symposium drew 140 attendees and generated much positive feedback. He explained that based upon the positive response, they hope to support additional ISO Symposiums in the future.

Mr. White noted several items related to the CJIS Security Policy slated to be presented at the December 2014 APB meeting, including risk-based compliance, clarification of virtualization, and latitude for administrative changes to the CJIS Security Policy. He also noted several potential topics to be included in the spring 2015 APB Working Group meetings might be of interest to the Council, including possible revisions to the CJIS Security Policy Appendix K, auditing of vendor facilities, policies surrounding mobile devices, and security awareness training. Mr. White stated that additional topics for spring 2015 consideration were submitted by external entities, and included physical security requirements and ISO personnel restrictions.

(Attachment 21)

Topic #29 National Fingerprint File Quarterly Statistics

Handouts provided for information only; not presented.

Topic #30 IAFIS Status Report

Staff paper provided for information only, not presented.

The meeting adjourned at 1:30 p.m.